

REMARKS

1) **Summary of the Prosecution to Date**

Claims 1, 2, 4 and 19 to 44 are currently pending in the subject application. Claims 3 and 5 - 18 have been cancelled.

In the second Office Action (made final) of April 10, 2002, claims 1, 2, 4 and 19 to 44 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1 to 29 of U.S. Patent No. 6,243,677. In addition, claims 1, 2, 4, 19 to 22 and 28 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,877,128 to Strickland.

By a response to Final Office Action of June 10, 2002, the applicant responded to these outstanding rejections. By an advisory action mailed June 21, 2002 the Examiner acknowledged the filing of a terminal disclaimer. Nonetheless, notwithstanding the applicant's argument, the Examiner maintained the rejections based on US Patent 4,877,128 of Strickland. The Examiner indicated that, in light of the filing of the terminal disclaimer, claims 23 to 27 and 29 to 44 have been objected to, but would have been allowable if re-written in independent form.

The applicant then appealed the rejections of claims 1, 2, 4 and 19 to 44, and, to that end, filed an Applicant's Brief on Appeal on December 10, 2002. The Examiner's Response was mailed on January 27, 2003.

The applicant filed an RCE on March 27, 2003.

A new, non-final office action was mailed in this matter on May 23, 2003. In that office action, claims 1, 2, 19 to 24, 28, 29 and 34 were rejected under 35 USC 102 as being anticipated by US Patent 5,465,885 of Wyatt. No further rejections were made. The former rejections made on the basis of Strickland were withdrawn. The remaining claims 4, 25 to 27, 30 to 33 and 35 to 44 were identified as being allowable if re-written in independent form.

In a response submitted October 23, 2003, Applicant appealed the Examiner's rejection of claims 1, 2, 19 to 24, 28, 29 and 34 on the grounds that U.S. Patent 5,465,885 of Wyatt did not anticipate the claims.

By the present Final Office Action, mailed January 16, 2004, the Examiner has once again rejected claims 1, 2, 19 to 24, 28, 29 and 34 on the basis of anticipation by U.S. Patent 5,465,885 of Wyatt. The Examiner has indicated that claims 4, 25 to 27, 30 to 33 and 35 to 44 would be allowable if re-written in independent form.

2) **Present Amendments**

Claims 4, 25, 30, 32, 35, 38 to 39 and 42 have been rewritten as independent claims. Applicant respectfully submits that these claims should now be found allowable. Claims 1, 2, 19 to 24, 28, 29 and 34 are hereby cancelled. Claims 36 and 37 have been amended as noted below. Applicant reserves the right to prosecute the subject matter of cancelled claims by way of a continuation application.

3) **Amended Claims 36 and 37**

Claims 36 and 37 have been amended to alter their dependencies. Claims 36 and 37 as amended depend from claim 35, rather than claim 34. Applicant respectfully submits that this amendment does not introduce a new issue or necessitate further searches by the Examiner.

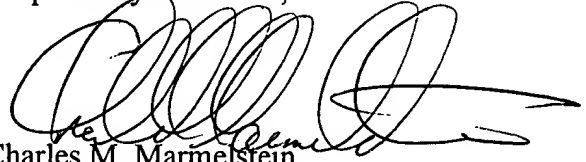
4) **Conclusion**

Applicant believes that the amendments made herein have placed the claims in good condition for allowance and urges the Examiner to pass the application to allowance.

If for any reason the Examiner feels the application is not now in condition for allowance it is respectfully requested that he contact, by telephone, the undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that any fees are due with respect to this paper, please charge Deposit Account No. 01-2300, referencing Atty. Docket No. 100570-00018.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles M. Marmelstein', written over the typed name.

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Atty. Docket No.: 100570-00018

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Enclosures: Petition for Extension of Time; Additional Claim Transmittal Sheet